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Security Council

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Colombia, France, Germany, Luxembourg, Morocco, Portugal, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 2056 (2012) and 2071 (2012), its Presidential Statements of 26 March 2012 (S/PRST/2012/7), 4 April 2012 (S/PRST/2012/9) as well as its Press Statements of 22 March 2012, 9 April 2012, 18 June 2012, 10 August 2012, 21 September 2012, 11 December 2012 on Mali,

Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali,

Emphasizing that the situation and entrenchment of terrorist groups and criminal networks in the north of Mali continue to pose a serious and urgent threat to the population throughout Mali, and to the stability in the Sahel region, the wider African region and the international community as a whole,

Condemning strongly the continued interference of members of the Malian Defence and Security Forces in the work of the Transitional authorities of Mali, *stressing* the need to work expeditiously toward the restoration of democratic governance and constitutional order in Mali and *taking note* of the on-going efforts of the Secretary-General, including through the Special Representative of the Secretary-General for West Africa, to assist the Transitional authorities of Mali in developing a roadmap for the electoral process and national dialogue,

Remaining seriously concerned over the insecurity and the significant ongoing humanitarian crisis in the Sahel region, which is further complicated by the presence of armed groups, including separatist movements, terrorist and criminal networks, and their increased activities, as well as the continued proliferation of weapons from within and outside the region that threaten peace, security, and stability of States in this region,

Condemning strongly all abuses of human rights in the north of Mali by armed rebels, terrorist and other extremist groups, including those involving violence against civilians, notably women and children, killings, hostage-taking, pillaging, theft, destruction of cultural and religious sites and recruitment of child soldiers, *reiterating* that some of such acts may amount to crimes under the Rome Statute and that their perpetrators must be held accountable and noting that the Transitional authorities of Mali referred the situation in Mali since January 2012 to the International Criminal Court on 13 July 2012,

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Please recycle

Recalling the letter of the Transitional authorities of Mali dated 18 September 2012 addressed to the Secretary-General, requesting the authorization of deployment through a Security Council resolution, under Chapter VII as provided by the United Nations Charter, of an international military force to assist the Armed Forces of Mali to recover the occupied regions in the north of Mali and *recalling also* the letter of the Transitional authorities of Mali dated 12 October 2012 addressed to the Secretary-General, stressing the need to support, including through such an international military force, the national and international efforts to bring to justice the perpetrators of war crimes and crimes against humanity committed in the north of Mali,

Taking note of the endorsement of the Strategic Concept for the Resolution of the Crisis in Mali at the second meeting of the Support and Follow-Up Group on the Situation in Mali in Bamako on 19 October 2012, attended by ECOWAS Member States, countries of the region and other international partners, as well as its adoption by the African Union Peace and Security Council on 24 October 2012,

Taking note of the final communiqué of the Extraordinary Session of the authority of ECOWAS Heads of State and Government held in Abuja on 11 November 2012 and of the subsequent communiqué of the African Union Peace and Security Council on 13 November 2012 endorsing the Joint Strategic Concept of Operations for the International Military Force and the Malian Defence and Security forces,

Welcoming the appointment of Romano Prodi as Special Envoy of the Secretary General for the Sahel, as well as the appointment of Pierre Buyoya as High Representative of the African Union for Mali and the Sahel and *encouraging* them to work in close coordination with the Special Representative of the Secretary-General for West Africa and the ECOWAS mediator,

Welcoming the efforts of the ECOWAS-led mediation, with the support of the Special Representative of the Secretary-General for West Africa, the Organization of Islamic Cooperation (OIC) and neighbouring countries of Mali,

Taking note of the Secretary-General's report on Mali dated 28 November 2012 (S/2012/894) for continued action on the political and security tracks and a comprehensive solution to the crisis affecting Mali,

Emphasizing that the Malian authorities have primary responsibility for resolving the inter-linked crises facing the country and that any sustainable solution to the crisis in Mali should be Malian-led,

Encouraging the international community to provide support to resolve the crisis in Mali through coordinated actions for immediate and long-term needs, encompassing security, development and humanitarian issues,

Determining that the situation in Mali constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

I. Political process

1. *Urges* the transitional authorities of Mali, consistent with the Framework agreement of 6 April 2012 signed under the auspices of ECOWAS, to finalize a transitional roadmap through broad-based and inclusive political dialogue, to fully

restore constitutional order and national unity, including through the holding of peaceful, credible and inclusive presidential and legislative elections, in accordance with the agreement mentioned above which calls for elections by April 2013 or as soon as technically possible, *requests* the Secretary-General, in close coordination with ECOWAS and the African Union, to continue to assist the transitional authorities of Mali in the preparation of such a roadmap, including the conduct of an electoral process based on consensually established ground rules and further *urges* the transitional authorities of Mali to ensure its timely implementation;

2. *Demands* that Malian rebel groups cut off all ties to terrorist organizations, notably Al-Qaida in Islamic Maghreb (AQIM) and associated groups, and take concrete and visible steps to this effect, *takes note* of the listing of Movement of Unity and Jihad in Western Africa (MUJWA) on the Al-Qaida sanctions list established and maintained by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and *further reiterates its readiness* to continue to adopt further targeted sanctions, under the above-mentioned regime, against those rebel groups and individuals who do not cut off all ties to al-Qaida and associated groups, including AQIM and MUJWA;

3. *Urges* the transitional authorities of Mali to expeditiously put in place a credible framework for negotiations with all parties in the north of Mali who have cut off all ties to terrorist organizations, notably AQIM and associated groups including MUJWA, and who recognize, without conditions, the unity and territorial integrity of the Malian State, and with a view to addressing the long-standing concerns of communities in the north of Mali, and *requests* the Secretary-General, through his Special Representative for West Africa, in coordination with the ECOWAS Mediator and the High Representative of the African Union for Mali and the Sahel, and the OIC, to take appropriate steps to assist the transitional authorities of Mali to enhance their mediation capacity and to facilitate and strengthen such a dialogue;

4. *Condemns* the circumstances that led to the resignation of the Prime Minister and the dismissal of the Government on 11 December 2012, *reiterates* its demand that no member of the Malian Armed Forces should interfere in the work of the Transitional authorities and *expresses its readiness* to consider appropriate measures, as necessary, against those who take action that undermines the peace, stability, and security, including those who prevent the implementation of the constitutional order in Mali;

5. *Calls upon* all Member States to implement their obligations pursuant to resolution 1989 (2011) and 2083 (2012) and *strongly condemns* incidents of kidnapping and hostage taking by Al-Qaida in Mali and across the Sahel region with the aim of raising funds or gaining political concessions;

II. Security process

Training of Malian forces

6. *Emphasises* that the consolidation and redeployment of the Malian Defence and Security forces throughout the Malian territory is vital to ensure Mali's long term security and stability and to protect the people of Mali;

7. *Urges* Member States, regional and international organizations to provide coordinated assistance, expertise, training, including on human rights and international humanitarian law, and capacity-building support to the Malian Defence

and Security Forces, consistent with their domestic requirements, in order to restore the authority of the State of Mali over its entire national territory, to uphold the unity and territorial integrity of Mali and to reduce the threat posed by terrorist organizations and associated groups, further *invites* them to regularly inform the Secretariat of their contributions;

8. *Takes note* of the commitment of Member States and international organizations to the rebuilding of the capacities of the Malian Defence and Security forces, including the planned deployment by the European Union of a military mission to Mali to provide military training and advice to the Malian Defence and Security Forces;

Deployment of AFISMA

9. *Decides* to authorize the deployment of an African-led International Support Mission in Mali (AFISMA) for an initial period of one year, which shall take all necessary measures, in compliance with applicable international humanitarian law and human rights law and in full respect of the sovereignty, territorial integrity and unity of Mali to carry out the following tasks:

(a) To contribute to the rebuilding of the capacity of the Malian Defence and Security Forces, in close coordination with other international partners involved in this process, including the European Union and other Member States;

(b) To support the Malian authorities in recovering the areas in the north of its territory under the control of terrorist, extremist and armed groups and in reducing the threat posed by terrorist organizations, including AQIM, MUJWA and associated extremist groups, while taking appropriate measures to reduce the impact of military action upon the civilian population;

(c) To transition to stabilisation activities to support the Malian authorities in maintaining security and consolidate State authority through appropriate capacities;

(d) To support the Malian authorities in their primary responsibility to protect the population;

(e) To support the Malian authorities to create a secure environment for the civilian-led delivery of humanitarian assistance and the voluntary return of internally displaced persons and refugees, as requested, within its capabilities and in close coordination with humanitarian actors;

(f) To protect its personnel, facilities, premises, equipment and mission and to ensure the security and movement of its personnel;

10. *Requests* the African Union, in close coordination with ECOWAS, the Secretary-General and other international organizations and bilateral partners involved in the Malian crisis, to report to the Security Council every 60 days on the deployment and activities of AFISMA, including, before the commencement of offensive operations in the north of Mali, on: (i) the progress in the political process in Mali, including the roadmap for the restoration of constitutional order and negotiations between the Malian authorities and all parties in the north of Mali who have cut off all ties to terrorist organizations; (ii) the effective training of military and police units of both AFISMA and the Malian defence and security forces in their obligations under international human rights, humanitarian and refugee law; (iii) the operational readiness of AFISMA, including the level of staffing leadership and equipment of the units, their operational adaptation to the climate and terrain

onditions and ability to conduct joint armed operations with logistical, air and ground fire support; (iv) the efficiency of the chain of command of AFISMA, including its interaction with that of the Malian Defence and Security Forces and *further expresses* its willingness to monitor closely these benchmarks before the commencement of offensive operations in the north of Mali;

11. *Emphasizes* that the military planning will need to be further refined before the commencement of the offensive operation and *requests* that the Secretary-General, in close coordination with Mali, ECOWAS, the African Union, the neighbouring countries of Mali, other countries in the region and all other interested bilateral partners and international organizations, continue to support the planning and the preparations for the deployment of AFISMA, regularly inform the Council of the progress of the process, and *requests* that the Secretary-General also confirm in advance the Council's satisfaction with the planned military offensive operation;

12. *Requests* the Secretary-General to provide, as and when requested by the Malian authorities, support in critical areas that will be required to accompany or follow a military operation in the north of Mali, with respect to the extension of the Malian State authority, including rule of law and security institutions, mine action, promotion of national dialogue, regional cooperation, security sector reform, human rights and the initial demobilization, disarmament and reintegration of former combatants;

International support

13. *Calls upon* Member States, including from the Sahel region, to contribute troops to AFISMA in order to enable AFISMA to fulfil its mandate, welcomes the troop contributions already pledged by ECOWAS countries and *further encourages* Member States to cooperate closely with the African Union, ECOWAS, the United Nations, countries contributing troops and other donors to this end;

14. *Urges* Member States, regional and international organizations to provide coordinated support to AFISMA, including military training, provision of equipment, intelligence, logistical support and any necessary assistance in efforts to reduce the threat posed by terrorist organizations, including AQIM, MUJWA and associated extremist groups in accordance with paragraph 9 (b), in close coordination with AFISMA and the Malian authorities;

15. *Calls upon* the transitional authorities of Mali and all other parties in Mali to cooperate fully with the deployment and operations of AFISMA, in particular by ensuring its safety, security and freedom of movement with unhindered and immediate access throughout the territory of Mali to enable it to fully carry out its mandate and *further calls upon* neighbouring countries of Mali to take appropriate measures to support the implementation of AFISMA mandate;

16. *Demands* that all parties in Mali take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and further *demands* that all parties in Mali ensure safe and unhindered access for the delivery of humanitarian aid to persons in need of assistance across Mali, consistent with international humanitarian, human rights and refugee law and the guiding principles of humanitarian assistance;

Human rights

17. *Emphasizes* that the Malian authorities have primary responsibility to protect civilians in Mali, *further recalls* its resolutions 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, its resolutions 1612 (2005), 1882 (2009) and 1998 (2010) on Children And Armed Conflict and its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010) on Women, Peace and Security, and *calls upon* all military forces in Mali to take them into account;

18. *Emphasizes* that any support provided by the United Nations, regional and subregional organizations and Member States in the context of the military operation in Mali shall be consistent with international humanitarian and human rights law and refugee law, further *requests* the Secretary-General to ensure the relevant capacity within the United Nations presence as referred to in paragraph 23 below in order to observe adherence to international humanitarian and human rights law with regards to military operations in the north of Mali and include in his regular reports to the Security Council, as referred to in paragraph 24 below, the situation of civilians in the north of Mali and any violation of human rights law, international humanitarian law and refugee law in the north of Mali, as well as to advise on ways to mitigate any adverse impact of military operations on the civilian population, including on women and children;

19. *Calls upon* AFISMA, consistent with its mandate, to support national and international efforts, including those of the International Criminal Court, to bring to justice perpetrators of serious human rights abuses and violations of international humanitarian law in Mali;

Funding

20. *Calls upon* Member States and international organisations, to provide financial support and contributions in kind to AFISMA to enable its deployment and implementation of its mandate and *welcomes* the willingness of the European Union to provide such financial support to AFISMA through the mobilization of the African Peace Facility;

21. *Expresses its intention* to consider the provision of a voluntary and a United Nations-funded logistics support packages to AFISMA, including equipment and services for an initial period of one year, *takes note* of the letter of the Secretary-General (S/2012/926) on the possible deployment of a logistics support package to AFISMA and on the support financial costs and, to this effect, *requests* the Secretary-General, in coordination with the African Union, ECOWAS and the Malian authorities, to further develop and refine options within 30 days of the adoption of this resolution for such a voluntary and a United Nations-funded logistics support packages, including detailed recommendations for a swift, transparent and effective implementation;

22. *Requests* the Secretary-General to establish a trust fund through which Member States can provide earmarked and/or non-earmarked financial support to AFISMA and/or to the training and equipping of Malian Defence and Security forces, also *requests* the Secretary-General to support, in coordination with the African Union and ECOWAS, the holding of a donors conference to solicit contributions to this trust fund as soon as possible, *calls upon* Member States to contribute generously and promptly to the trust fund, while noting that the existence

of the trust fund does not preclude the conclusion of direct bilateral arrangements and *further requests* the African Union, in consultation with ECOWAS and the Secretary-General, to submit budgetary request to this trust fund;

United Nations presence and reporting

23. *Requests* the Secretary-General to establish, in consultation with the Malian authorities, a multidisciplinary United Nations presence in Mali, in order to provide coordinated and coherent support to (i) the on-going political process and (ii) the security process, consistent with paragraph 12 above and including support to the planning, deployment and operations of AFISMA and therefore requests the Secretary-General to submit as soon as possible specific and detailed proposals to the Council for further consideration;

24. *Requests* the Secretary-General to keep the Council regularly informed of the situation in Mali and to report back to the Council, through the provision of written reports, every 90 days, on the implementation of this resolution, including on the United Nations support to the political and security efforts to solve the crisis in Mali, the deployment and preparation of AFISMA and updated information and recommendations related to a voluntary and United Nations-funded support packages to AFISMA;

25. *Decides* to remain actively seized of the matter.